

INDIANA courttimes

WHEN FAMILIES GO TO COURT

Vanderburgh County Family
Court Project Partners with
District Pro Bono Commission **2**



ALSO INSIDE:

Emergency Rule Invoked in Morgan
County After Severe Weather Damages
Courthouse **4**

Free Workplace Spanish Classes for
Court Staff **6**

Volunteers Protect the Rights of Senior
Citizens Through Lake County Program **8**



CONTENTS

Vanderburgh County Courts partner with judicial district 13 pro bono plan administrator to start new family court 2

Storm damage in Morgan County prompts first use of emergency rule: Administrative Rule 17 4

Workplace Spanish and computer classes available at no charge to courts through partnership with Ivy Tech State College 6

Guide to standard certification process for imaging of court records in development 7

Lake County's Judge Schneider pioneers Senior Guardian Volunteer Program 8

BITS & BYTES

Enhancements to Odyssey released in Monroe County: Remarks by Hon. Frank Sullivan, Jr. 10

eTickets and Odyssey: An end-to-end solution for Indiana traffic cases 11

Grant programs for education scholarships & court reform study projects 12

Rules, Rules, Rules: What's up and what to do if you want to change them! 13

Accolades: Indiana judge and Division attorney honored 14

To Judicial Employers: How to protect yourself from FLSA liability 20

WHEN FAMILIES GO TO COURT



PHOTO: Bill Wolfred

Vanderburgh County Partners with District Pro Bono Commission to Create New Family Court

Families in Vanderburgh County have a new resource to help them navigate through the court system.

Vanderburgh is one of two counties who have been awarded funding from the Indiana Supreme Court to begin new family court projects in 2008. Vanderburgh Superior Court Judge Mary Margaret Lloyd is spearheading the project.

The centerpiece of Vanderburgh County's family court project is the Multi-Case Family Coordination & Pro Se Assistance Clinic. The Clinic is designed to assist low income, pro se litigants involved in family law cases to be more efficient and have greater success. It is a partnership among the Vanderburgh County Circuit and Superior Courts, the staff at their public Law Library, the Volunteer Lawyer Program (VLP) of Southwestern Indiana, members of the Evansville Bar Association, and the Evansville Bar Foundation.

The project is managed in conjunction with the Volunteer Lawyer Program of Southwestern Indiana, the pro bono plan administrator for judicial district 13. Both Vanderburgh and Clark County, the other new family court project for 2008, developed and submitted their grant proposals in partnership with the local pro bono district. "We are always looking for ways that volunteer attorneys can be of assistance to low income clients and the Courts, and the family court project provided the perfect way to do both," noted Scott Wylie, a Co-Plan Administrator for VLP in Evansville. "Because it is so difficult to place family law matters with volunteers, we hope the Clinic will also allow VLP to reserve its limited family law placement to those who truly can't navigate the system by themselves thereby improving services to everyone."

The Clinic is initially focusing on family law matters involving the custody or care of minor children or cases involving domestic violence, with special attention being given to multiple-case families. By mid-year, administrators plan to add guidance on non-custodial family law matters as demand allows, as well as assistance to guardians of minors facing reporting or other court pro se requirements. The program plans to serve 100 families in its first year.

Clinic sessions are scheduled twice monthly at the Vanderburgh County Courthouse. Participants receive advice and counsel from volunteer attorneys, assistance in completion of forms and pleadings, guidance to self-help resources, and referrals to appropriate social and support services and/or mediation. The Clinic also provides coordination of information regarding multiple-case families. Volunteer Clinic attorneys only provide assistance as part of the Clinic services and do not represent clients in court. However, they can refer matters requiring legal representation to the existing legal services system or through the Evansville Bar Association Lawyer Referral Service.

Clients of the Clinic undergo an initial intake screening to determine if they are financially and geographically eligible. If eligible, they are screened for additional cases—of any type—pending or recently decided in the Vanderburgh County courts, or any other jurisdiction involving the family. Information about any related matters in the Vanderburgh County court system, and client-related information about matters existing outside of Vanderburgh County, is provided to the appropriate judge. Judge Lloyd has noted that it is not unusual for one family to have a variety of cases pending in several different courts, perhaps a landlord/tenant matter before one judge affecting the family, and a CHINS matter in front of another judge. Because of Evansville's location,

it is also common to have related cases across the Kentucky or Illinois state lines. "Hopefully, we will now be better able to address the cases before us in the domestic relations arena" she added.

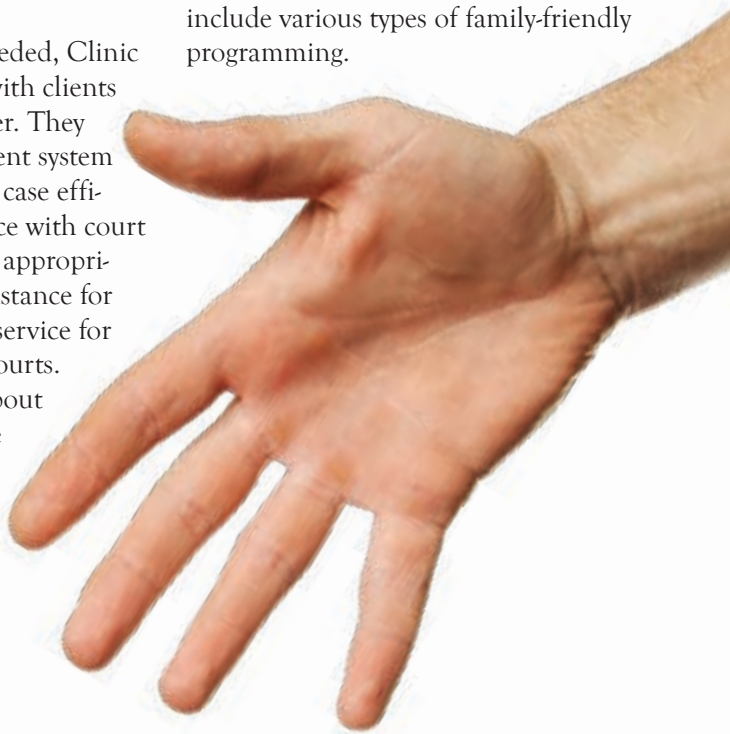
"WE ARE ALWAYS LOOKING FOR WAYS THAT VOLUNTEER ATTORNEYS CAN BE OF ASSISTANCE TO LOW INCOME CLIENTS AND THE COURTS..."

Clients are also screened during intake for any potential threat of domestic violence, abuse within the family, or other factors that might benefit from additional social services. Mediation services and social service referrals are also discussed to determine if appropriate.

If mediation assistance is needed, Clinic staff will continue to work with clients through their pending matter. They use a limited case management system designed to further improve case efficiency and ensure compliance with court deadlines and attendance at appropriate hearings. Mediation assistance for low-income clients is a new service for the Vanderburgh County Courts. "We are especially excited about the mediation services made possible by the Clinic," said Wylie. "This will be the first time that this service will be broadly available to low income

litigants in Vanderburgh County. Mediation, along with family counseling, can often provide much better outcomes for a troubled family than the adversarial process in Court."

The Indiana Family Court Project, which provided the bulk of funding for the Clinic, was initiated in 1999 as a cooperative effort between the General Assembly and the Indiana Supreme Court Division of State Court Administration. The purpose of the Project is to develop common sense models to serve children and families better in our courts. The initial emphasis of the Family Court Project was to create models to coordinate families who have multiple cases pending before multiple judges and to share information. While all projects are still required to include multiple case coordination and information sharing, the scope of the project has broadened somewhat to include various types of family-friendly programming.



For more information on the Indiana Family Court Project, or to learn how to start a project in your county, contact Family Court Project Manager Loretta Oleksy at 317.233.0784 or loleksy@courts.state.in.us.

PHOTO: Artsem Martysiuk

STORM DAMAGE

IN MORGAN COUNTY PROMPTS FIRST USE OF EMERGENCY RULE – ADMINISTRATIVE RULE 17

Morgan Circuit Clerk Peggy Mayfield had just stopped by her office to pick up the mail and check her email around 7:30 p.m. on the evening of January 29th, when a savage storm lashed its way through Martinsville.

As the wind gathered strength, the lights in the 1859 Courthouse flickered and then went out. Crouching beside her desk, she feared the windows in her office were about to blow out. Then she heard something she had never heard before.

“It was like the sound Godzilla makes when it’s tearing and twisting metal. That’s the only way I can describe it,” Mayfield recalled.

What she heard was a large part of the metal roof of the Courthouse being peeled off like the pop-top lid of a tuna can. It slid down the side of the Courthouse and deposited itself in a tangled heap on the lawn. In its wake, it left 149-year old handmade square nails scattered throughout the square, recalled Judge Christopher Burnham.

Until the storm passed, the rain drove down onto the building’s ancient timbers, some of which had not been exposed to the sky since Abraham Lincoln was campaigning for President. Water from the open roof drained into the Courthouse, damaging the courtroom ceiling and threatening the evidence room of Judge Jane Spencer Craney’s Superior Court III.

Wet insulation was strewn throughout the Courthouse. With the heat off, the Courthouse grew cold as Morgan County mounted its rescue and reconstruction effort. The county’s local insurance agent was on hand almost immediately and a representative from the insurance company was on site within an hour.

“One of the benefits of a small town,” noted Judge Thomas Gray, who said the local hardware store provided tarps to keep the rain off furniture and documents. Less than two hours after the storm had passed, my cell phone rang.

It was Judge Gray, requesting that the Supreme Court invoke the newly effective Administrative Rule 17. Ironically, Judge Gray is probably only one of a handful of trial judges in Indiana who are even aware of Rule 17 and its ability to allow courts to operate in the event of a disaster, natural or otherwise.

After Hurricane Katrina, the Supreme Court and the Indiana Judicial Conference began a concerted effort to prepare for disasters. The Judicial Administration Committee, led by Howard Circuit Court Judge Lynn Murray, began developing a

template for Continuity of Operations Plans (COOP) for Indiana’s trial courts. One of their tasks was to draft Administrative Rule 17 to codify the Supreme Court’s inherent power to oversee the administration of trial courts in the event of a disaster.

A key concern when there is a disruption of normal court operations is the tolling of time limits and statutes of limitations. Administrative Rule 17 allows a local trial court to petition the Supreme Court to “stop the clock” on “time limits currently imposed for speedy trials in criminal and juvenile proceedings, public health, mental health, appellate, and all other civil and criminal matters.”

Rule 17 had been approved on September 10, 2007, but was not effective until January 1, 2008. Morgan County Judges were the first to invoke it.

...THE METAL ROOF OF
THE COURTHOUSE
[WAS] BEING PEELED
OFF LIKE THE POP-TOP
LID OF A TUNA CAN.

On the morning after the storm, as debris from the roof and tree limbs were being removed from the Courthouse lawn, I met in Judge Burnham's chilly first-floor courtroom with three of the four Morgan County Judges, Clerk Marguerite Mayfield, and Robert Hagee of the Prosecutor's Office.

We gathered details of what the judges needed and placed a phone call to State Court Administration Executive Director, Lilia Judson. She drafted the Morgan County courts' petition for relief under Rule 17 and also prepared for signature the Supreme Court's order of approval.

The Morgan County judges asked the Supreme Court to toll all of the time limits contemplated by the rule, to allow for the closure of the courts and clerk's office from January 30th until February 11th, to move court operations out of the courthouse, and to allow each of the judges to exercise general jurisdiction over each of their cases. The order was faxed to Judge Burnham's court, which was one of the few still operating in the Courthouse. The nearby law offices of Foley, Foley & Peden had also offered the use of their fax as a backup. Since the judges had already determined that Judge Gray could issue orders on their behalf in the event of an emergency, he signed it and sent it to Indianapolis to be filed with the Clerk of the Supreme Court. Justice Theodore Boehm signed the Supreme Court's order as Acting Chief Justice.

During the storm, which dropped significant hail over Martinsville, the metal roof of the courthouse and other items were blown onto the courthouse square.

The Courthouse re-opened to the public a week earlier than requested on February 4th, but there were quite a few adjustments.

To continue operations, Judge Craney moved her second-floor court, and the entire contents of the court's evidence room, to the Lucille Sadler Room in the County's nearby Administration Building. Her courtroom will have to undergo extensive repairs and may be unavailable for many more weeks. Judge Gray will also occasionally conduct courtroom business in the Martinsville City Court. Judge Burnham is staying put, as his first floor courtroom escaped all but slight damage. Circuit Judge Pro Tem Brian Williams is conducting business as usual, as is the Prosecutor, and the Clerk.

In the meantime, as contractors begin to repair and replace the Courthouse roof, State Court Administration and the Indiana Judicial Conference continue to enhance disaster-planning efforts for the trial courts and the people they serve. Morgan County courts served as a great test case for the implementation of Administrative Rule 17. Although it is our guess that they would have gladly allowed another county to have had the privilege.

By David J. Remondini,
Chief Deputy Exec. Director,
State Court Administration

The light of day reveals the extent of damage, and a structural beam and crumbling brick that had previously been below the building's roof.



PHOTOS: Keith Rhoades. Courtesy of the Reporter-Times, Martinsville.





WORKPLACE SPANISH FOR COURTS

at Ivy Tech
Available at No Cost
to Local Courts

Hendricks County Superior Court Judge David J. Coleman, like many judges in Indiana, has seen a steady increase in the number of people coming into his courtroom who only speak Spanish. "I don't think we're alone. Probably every county has seen an increase," said Judge Coleman.

Last year, Coleman and almost two dozen court staff enrolled in the Workplace Spanish for the Judicial System course sponsored by the Indiana Supreme Court through the Indiana Judicial Center and the Division of State Court Administration. "The teacher, Bob Smith, did an excellent job. It has been very helpful to my staff. When people make an inquiry about the status of a case we can help. Our staff can communicate," said Judge Coleman.

Staff members who have taken the course now know enough Spanish to be able to help a non-English-speaking litigant about a continuance or a new hearing date. But they also can communicate to the litigants about the availability of qualified interpreters to be present in court during the actual trial.

The courses in Workplace Spanish are paid for by state and grant funds and are offered at no cost to the local employees. This made Judge Coleman's decision to take the course and encourage his staff to do so an easy one, because his court, like

most others, does not have funds available for this sort training.

"Like all counties, we have budget problems, and I don't think we would have been able to come up with the funding," he said. He added that he has proposed hiring a full-time interpreter to be shared by county offices.

This has been a very popular and well-attended training program, with more than 645 people completing the course. "Being able to communicate with citizens who need court services is a basic requirement of the judiciary. We are committed to giving employees the necessary tools to meet the growing number of non-English speaking residents," said Chief Justice Randall T. Shepard.

The Workplace Spanish curriculum includes 24 hours of classroom instruction, textbooks and a CD-ROM. The course includes basic topics such as greetings and introductions; dates and times; numbers; telephone reception phrases; eliciting personal information; how to provide directions to other offices; explaining courtroom procedures; referencing court documents; and other content geared toward court employees.

This course is open to any employee in the State of Indiana who directly reports to a judicial officer of a trial court of record or employees of the Clerk's office assigned to work with the courts. For more information on how to register and find the nearest Ivy Tech campus, go online to:

<http://courts.IN.gov/center/spanish-course/>

Questions about the program may be directed to Michelle Goodman, Staff Attorney, Indiana Judicial Center, at 317-232-1313 or mgoodman@courts.state.in.us.



¿HABLAS ESPAÑOL?

COMPUTER CLASSES

Also Available to Courts through Ivy Tech

The Indiana Supreme Court has partnered with Ivy Tech Community College to provide computer training at 26 regional locations for all judicial employees, including employees of city and town courts, and clerk office employees who work with the courts.

A variety of computer classes are available to assist courts and county clerks in taking advantage of the many technology tools available. The relevance of this program has increased significantly with the development of a host of technology applications being deployed by the Supreme Court for use by the courts. This educational opportunity provides the basic computer skills for all those who need to work with the new applications.

"As we offer more and more tools to courts and clerks, basic computer skills are becoming a must have for all users. It is important that our judges, clerks and their staffs have the necessary skills that enable them to work with our new applications such as the Protection Order Registry, Marriage License e-File, the electronic Citation and Warning System and ultimately, the state-wide case management system, Odyssey. That is why we are offering these computer classes at no cost to the trial courts and clerks," said Lilia Judson, executive director of the Division of State Court Administration.

Since the inception of this program, more than 1,400 people from 81 counties have taken advantage and have completed basic computer training.

Trial court judges of courts of record and their employees, elected circuit court clerks and their employees (i.e., judges, magistrates, commissioners, court reporters, court administrators) and judges and staff of city, town and the Marion County Small Claims courts are all eligible.

For more information on available courses and how to register look online at:

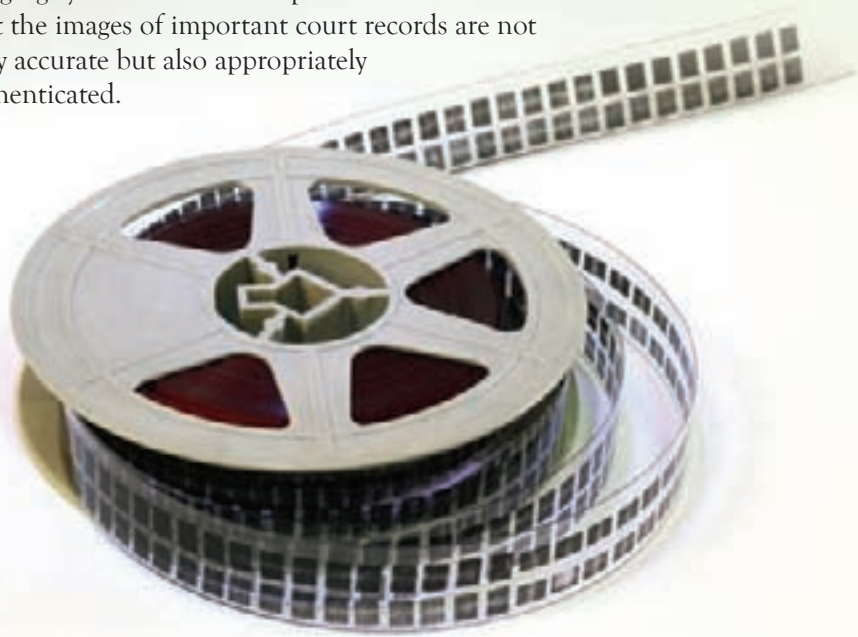
<http://courts.IN.gov/jtac/programs/ivytech.html>

GUIDE TO STANDARD CERTIFICATION PROCESS FOR IMAGING OF COURT RECORDS IN DEVELOPMENT

On February 5, 2008, Therese Brown, Clerk of the Allen Circuit Court and Chairperson of the imaging subcommittee of the Indiana Supreme Court Records Management Committee, convened a meeting of the subcommittee in Indianapolis to discuss the development of a general standardized certification process for courts and clerks wishing to use imaging technology to maintain court records.

Administrative Rule 6 requires all courts in Indiana to comply with the standards set forth in the rule if they wish to employ digital imaging technology to store and preserve records of courts and court agencies. Before a court, clerk or court agency installs a digital imaging system, the Division of State Court Administration must approve the system's specifications. The approval of the imaging systems is of vital importance because it must assure that the images of important court records are not only accurate but also appropriately authenticated.

PHOTO: Sim Kay Seng



The discussion by Ms. Brown and fellow subcommittee members John Newman, Director of Information Management of the Division of State Court Administration, Jacqueline Rowan, Clerk of the DeKalb Circuit Court, and James R. Walker, Director of Trial Court Management of the Division of State Court Administration, centered on a draft of a manual that had been developed by the Records Management Committee of the Association of Clerks of the Circuit Courts of Indiana to assist clerks in implementing digital imaging systems.

James Corridan, Indiana State Archivist and the Director of the Indiana Commission on Public Records, who had been asked to serve as a consultant to the subcommittee, and David Griffith, Staff Attorney for the Judicial Technology and Automation Committee (JTAC), as well as Tom Jones of the Division of State Court Administration also participated in the discussions.

The members agreed that the subcommittee will present a revised and updated version of the draft manual of the Clerk's Association to the Indiana Supreme Court Records Management Committee at its meeting this Spring. Questions about this project may be directed to John Newman at jnewman@courts.state.in.us or Tom Jones at tjones@courts.state.in.us.

LAKE COUNTY'S JUDGE SCHNEIDER

PIONEERS

SENIOR GUARDIAN

VOLUNTEER PROGRAM

WE MAY HAVE FIRST HAND KNOWLEDGE OF A RELATIVE OR FRIEND, WE MAY HAVE HEARD ABOUT SOMEONE FROM A FELLOW WORKER OR NEIGHBOR, OR WE MAY HAVE READ IN THE NEWS OR SEEN A REPORT ON TELEVISION ABOUT THE SPECIAL NEEDS OF OUR VULNERABLE ELDERLY POPULATION.



PHOTO: Andres Rodriguez

Many individuals are fortunate and have the mental capacity and physical strength to remain independent and self-reliant into their later years. Others, who need temporary or even long-term care, are fortunate to have a close relative or friend who can manage matters for them and provide that necessary care. But, what about the growing numbers of elderly who need help but do not have a capable spouse, child, sibling, or close friend to care for them? To whom do they turn? Where do they go? Who will be there for them?

As our population ages, so will the demands on our courts and our social agencies. In the United States, by 2030, almost 1 out of every 5 Americans—some 72 million people—will be 65 years of age or older. In Indiana, the number of people older than the age of 60 has increased 28% in the last decade. During that same time period, the general population has grown less than 10%. And in Indiana, like almost half of the states, we do not have a governmental office to provide for a public guardian for those in need.

In Hammond, Indiana, Lake County Superior Court Judge Diane Kavadias Schneider has helped pioneer a program to find, train and monitor volunteer guardians for seniors in need. It started in her city in 2001 when Saint Margaret Mercy Hospital saw a special need for at-risk, inpatient individuals over the age of 55 years. In partnership with the Lake Superior Court, the Hospital founded the Volunteer Advocates for Seniors (VAS) Program. The VAS Program is partially funded by grants from The Retirement Research Foundation, Indiana Bar Foundation, Lake County Foundation for the Retarded, Legacy Foundation, Inc., and other local, state and national funders and individual donors.

According to Judge Schneider, "the VAS program was developed to address the growing concerns within the Lake County healthcare community relating to incapacitated elderly persons in need of guardianship services. The greatest concern was for elderly persons who were hospitalized as inpatients and who

were not competent to meet their own medical and legal needs. Many of these patients had no known relatives to assist them or advocate for them."

"The VAS program is a model program for collaborative problem solving between hospital healthcare providers and the courts", said Judge Schneider. "Programs such as VAS show how a partnership between the courts and health care providers can better serve the needs of the elderly and the incapacitated in our community", she added.

Vanessa Nathan, who has been with the program since its inception, is Program Manager for the VAS Program at the St. Margaret Mercy Health Care Center in Hammond. VAS provides volunteer limited guardian services for elderly persons who have no relatives or friends capable of meeting their needs and are in a hospital, nursing home, or hospice health care facility in Northwest Indiana. Volunteers must be at least 21 years of age with a good record, the ability to make sound decisions, be able to follow guidelines and instructions, be able to commit to the time required, have life or work experience with older or disabled individuals, and successfully complete the application and screening process and the 40 hour training program. Volunteers attend 10 four-hour training sessions that are held twice in the evening during the week and on Saturday morning. Training is provided three times annually in the summer, fall and winter. The session topics include legal matters, court procedures, the effects of aging, medical issues, and instructions on nursing and general health care. They also hear from individuals who provide insight into Alzheimer's disease, the Social Security Administration, and Adult Protective Services. Volunteers have face-to-face interviews, submit to background checks, and write a short autobiography and essay about their own views on the rights of the elderly.

Ms. Nathan said that she has been honored and fortunate to be able to partner with Judge Schneider. She describes the Judge as almost more like a social worker than judge in her caring for the elderly in the VAS Program. Ms. Nathan is passionate about the program and would like to see it serve as a model for other communities in our state.

Because of what was started in Hammond, and due to the efforts of a group of very caring state legislators, the Indiana General Assembly passed the Indiana Volunteer Advocates for Seniors Statute,



2006 Sworn Senior Guardians. Left to right: (back row) Kay Hosmer, Karen Hogan, Ed McHie, Sandra Locke, Geneva Jackson, Hon. Diane Schneider; (front row) Sharon Orenick, Lorraine East, Ed Dusek.

Indiana Code 29-3-8.5, which took effect on July 1, 2004. The law provides for court involvement and oversight, limited guardian appointment with investigative and fact-gathering duties, the ability to facilitate and authorize certain services as needed, and serving as an advocate for the rights of the incapacitated senior. The guardian must also submit a written report to the court.

Judge Schneider swore in the first class of 13 volunteers as statutorily authorized officers of the court. Today, less than five years later, there are almost 100 volunteers. Each guardian handles only one case at a time. The program has lost only three individuals as volunteer guardians. Two of those losses were due to employ-

ment reassignment and the other volunteer had to resign because of incapacity due to extensive back surgery. These individuals are obviously very dedicated and believe strongly in their mission.

Lake County Court Commissioner Donald Stepanovich works with Judge Schneider in the VAS Program and regularly gives pep talks to the new volunteers. He encourages and empathizes with them: "It's easy to help a loved one who is disabled, but you aren't going to know these people who you will be helping. I admire your commitment because you won't

have any choice in whether the person you help is nice, someone easy to deal with, or just an old crank. You are going to be barging in unannounced into the lives of people you've never seen before who sometimes don't appreciate your interference. But you and I know that this intrusion is necessary and may even be secretly yearned for. Sometimes you will get to know these strangers and become attached to them. Those of you who are too young to have become accustomed to death will find that experience especially sad. Other times you may be volunteering for someone who is in a coma and will never have even looked at you. But

these are experiences that most people never will know and that is why I say that for whatever amount of effort you put into this program you are going to see a corresponding amount of growth in the breadth of your character and life experience."

And, when looking to the future, Judge Schneider says it best herself: "It is my hope that courts in other jurisdictions throughout Indiana will consider creating similar programs to address the needs of the elderly and the incapacitated in their communities."

By James F. Maguire
Staff Attorney,
State Court Administration

ENHANCEMENTS TO ODYSSEY RELEASED IN MONROE COUNTY

ON MONDAY, MARCH 17, 2008, REPRESENTATIVES FROM JTAC AND MONROE COUNTY COURTS GATHERED IN BLOOMINGTON, INDIANA TO REVIEW AND CELEBRATE NEW ENHANCEMENTS TO INDIANA'S ODYSSEY CASE MANAGEMENT SYSTEM. JUSTICE FRANK SULLIVAN, JR., CHAIR OF JTAC, MADE THE FOLLOWING REMARKS:

Thank you for spending a few minutes of your lunch hour with us today as we commemorate the three months of hard work on implementing the Odyssey trial court case management system and celebrate the enhancement of Odyssey with new features.

Let me first acknowledge with appreciation the leaders of Monroe County here today—the County Commissioners and members of the County Council—and also the members of the General Assembly, here only a few hours after completing a difficult legislative session. Thank you not only for your presence but your strong support of this project.

Many of you have heard me speak of the Indiana Supreme Court's vision of equipping all Indiana courts with a

“...you are laying the groundwork for the single greatest improvement ever in the administration of justice in Indiana.”

21st-century case management system and connecting each court's system to each other's and to those who need and use court information. We gather today on what I consider to be an exceptionally significant milestone in realizing that vision.

Several years ago, the Indiana General Assembly, with the strong support of legislators from both Houses and both parties, dedicated the proceeds of a portion of each case filing fee

to this project. In late 2006, the Supreme Court made a special arrangement with the courts and clerk here in Bloomington to serve as the test and pilot county for the initial implementation of the new system. In the middle of last year, JTAC signed a contract with one of the foremost developers of court computerized case management systems, Tyler Technologies, to help us develop, program, and install the new system, called Odyssey. And as everyone here knows, Odyssey went live here in Monroe County right on schedule on December 17, 2007.

Earlier today, Odyssey went live here in Monroe County with a host of new features including those that will further automate everyday court and clerk functions like hearing cancellation notices, case chronological summary updating, and entry of events.

But in addition to celebrating turning on these new enhancements, again right on schedule, this is also a highly appropriate occasion to reflect on the extremely hard work that everyone has put in on this project during the last three months. We all knew that it would not be easy, and in many ways it proved to be even harder than expected. But like a basketball team that encounters unexpected challenges as the season goes along, everyone here has remained loyal to the overall goal of success and worked extremely hard toward it. I know you are all proud of that effort and what you have achieved, and I cannot tell you how much Chief Justice Shepard and my other colleagues on the Supreme Court and I admire you for it.

I can only say that you are laying the groundwork for the single greatest improvement ever in the administration of justice in Indiana.

I would like to present a small token of the Supreme Court's appreciation for the court and clerk staffs' contribution to this single greatest improvement ever in the administration of justice in Indiana but before I do, let me ask the leaders of our project to come forward and join me:

From our vendor: Tyler Technologies, Project Director Kristen Wheeler.

From JTAC, our Director of Trial Court Technology: Mary DePrez, and our Odyssey Project Directors, Donna Edgar and Mary Wilson.

From Monroe's Technical Services Department: Larry Smith, Bill Goveia, and Mike Hert.

From the Monroe Circuit Courts, Presiding Judge Kenneth G. Todd and Court Administrator Bonnie Austin.

And from the Monroe County Clerk's Office: County Clerk Jim Fielder, and his Chief Deputy, Margaret Cook.

Ladies and gentlemen, from now on, when Odyssey is turned on in the morning—not just in Bloomington but in every court in Indiana where it is implemented in the future—the sign-on screen will feature the historic Monroe County Courthouse. In this small way, we hope, all court users in Indiana in the future of the Odyssey case management system will be reminded of the pioneering hard work of all of you.

eTICKETS AND ODYSSEY

AN END-TO-END SOLUTION FOR INDIANA TRAFFIC CASES

Many eyes have been focused on the nine Monroe County courts as they became the first in the state to use the Odyssey case management system (CMS). A less noticed but most effective consequence of the Odyssey deployment is the interface between Odyssey and the Supreme Court's electronic Citation and Warning System (eCWS). This interface is already providing a double dose of improved efficiency for law enforcement, courts, clerks and the Indiana Bureau of Motor Vehicles (BMV).

The eCWS is a collaborative project between the judicial and executive branches of state government, funded by federal grant funds, and spearheaded by the Supreme Court's Judicial Technology and Automation Committee (JTAC) allowing law enforcement officers to use a hand-held scanner to read the bar code on a driver's license and vehicle registration. The information then automatically populates a citation, and the data from the electronic ticket goes into a secure central repository—no handwriting, no double data entry.

The repository has a "Prosecutor's screen" where a prosecutor can review the ticket and make a decision to proceed. The record is then sent to the court through Odyssey and a case number is generated automatically. An interface with ProsLink, the prosecuting attorneys' case management system, is planned. The data remains the data of law enforcement until a law enforcement officer or prosecutor makes a discrete entry to "file" the case or transfer it to the Odyssey court system. Only at that time does the data become court data.

The interface allowing the ticket data to go to Odyssey creates a seamless process. There is no need for stacks of tickets to be delivered for inputting into a computer system. The Division of State Court Administration decided to assume a leadership role in this project because, ultimately, the traffic citations generated at the law enforcement level become a court record. Having consistent, accurate information, entered only once, from start to finish, is important to the courts.



PHOTO: Lindsey Borschel

Once the ticket information is sent electronically to the court, a case is created within the Odyssey CMS. A case number is assigned, and the information on the driver and the offense automatically appear in Odyssey, saving time and effort for staff.

Through a different federal grant, the Division of State Court Administration's JTAC staff launched the "BMV project." This project developed an automated application for the electronic transmission of traffic case decisions to the Bureau of Motor Vehicles (BMV). State statutes require that traffic case decisions be transmitted to the BMV on a special form, called "SR-16."

With the electronic issuance of traffic citations, the electronic filing of the cases in the Odyssey CMS, and the electronic transmission of SR-16 forms to the BMV, Indiana has at its fingertips a true end-to-end solution for traffic cases.

In Monroe County, law enforcement officers in the County Sheriff's Department, as well as police departments in Ellettsville, Stinesville, Bloomington, and at Indiana University are all using eCWS.

Since these departments began using eCWS in December 2007, more than 2,800 e-tickets have been issued and sent electronically to Odyssey.

As eCWS and Odyssey are deployed statewide, the impact of the interface between the two and with the BMV will have unprecedented impact on the way Indiana's traffic citation cases are processed and recorded. More than 700,000 traffic citations are issued each year in Indiana, and eventually the vast majority will be filed in a court, will be assigned case numbers, and will be tracked automatically in Odyssey. This end-to-end solution will improve accuracy, save time and promote public safety.

By Cindy Collier
Communications Consultant,
JTAC

and Lilia Judson
Executive Director,
State Court Administration

INDIANA SUPREME COURT ANNOUNCES GRANT PROGRAMS FOR EDUCATION SCHOLARSHIPS & COURT REFORM STUDY PROJECTS

The Indiana Supreme Court is pleased to announce that funds are now available for individual scholarship grants for education opportunities and for trial court grants aimed to assist courts in assessing their organizations and implementing recommended improvements.

Information about the application process and application forms for both grants is available on the judicial website at <http://courts.IN.gov/admin/reform/>.

EDUCATION SCHOLARSHIP GRANTS. The education grant program is geared to help judicial officers expand their professional development by attending seminars, conferences, meetings, or other programs that are not provided by the Indiana Judicial Center. Although aimed at judges and magistrates, applications from others will be considered if funds are available.

Through this program, the Supreme Court has set aside approximately \$120,000 each year for scholarship grants. The grants will be awarded through a scholarship application process which will enable approved applicants to attend sessions sponsored by pre-approved providers, such as the National Judicial College, the National Council of Juvenile and Family Court Judges, American Bar Association, National Center for State Courts, National Association of Women Judges, Association of Family and Conciliation Courts, American Judicature Society, American Law Institute, and the American Judges Association.

“...these grants will enable our judges to try their ideas and develop best practices from which our entire system could benefit.”

Up to \$3,000 per judicial officer would be available for a session at an 80/20 match. This means that the scholarship will provide 80% of the cost of the program, and the applicant will have to provide the remaining 20%. Interested applicants will have to complete an application for courses from pre-approved providers.

In addition, scholarship grants will be available for attending meetings and conferences that are sponsored by other providers, if attendance would enhance the professional development

of the applicant. Once again, up to \$3,000 at the 80/20 ratio may be awarded to a judicial officer to attend one of these conferences. Interested judicial officers would also need to apply for these discretionary grants.

COURT REFORM STUDY GRANTS. This program is designed to foster innovation and generate effective court reform. The Supreme Court anticipates awarding approximately five grants per year, with the understanding that each of the projects will be eligible for a subsequent implementation grant. Under this grant program, the courts in a district, in several counties, or in a single county may apply by identifying a particular problem they want to solve, reform they want to achieve, or a general desire that the district/county would benefit from an objective assessment of the current organization, management, and processes and identification of best practices. The initial study grants will be up to \$30,000, with successful applicants being eligible for subsequent grants of up to \$40,000 for implementation of the improvement proposals.

“Our trial court judges have first-hand knowledge of the issues they face and the needs they must address in order to dispense justice effectively. We believe these grants will enable our judges to try their ideas and develop best practices from which our entire system could benefit,” said Chief Justice Shepard when he announced these grants during the 2008 judicial district meetings that recently took place.

Staff of the Division of State Court Administration is available to help prospective grant applicants develop letters of interest and grant applications and help the grant recipients to select an organization to perform the study. The projects must engage the majority of judges in the district or county, and collaboration with and input from the clerks and bar is strongly recommended.

The court reform grants will target three areas: (a) judicial district governance and court reform efforts; (b) county level court

reform and efficiency efforts; and (c) special program efficiency efforts. The judicial district grants may include proposals to study, recommend, and implement, on a district-wide scale:

1. Leadership/governance structures, such as an executive committee, chief judge, professional court administrator, etc., with authority parameters and other incidents of governance.
2. Comprehensive and uniform personnel policies for court employees, including factors such as standard job descriptions, recruitment, discipline and advancement policies.
3. Judicial resource management plans, including factors such as transfer of judicial officers, elimination of the use of practicing lawyers as judges pro tem, and sharing of staff, physical resources, and facilities.
4. Program management plans for efficient delivery of specific district programs such as indigent defense, court interpreter, GAL/CASA, Family Court, and pro se or pro bono services.
5. Implementation of all or part of CourtTools, a judicial performance evaluation system developed by the National Center for State Courts and being implemented in many states.
6. Development and implementation of a best practices manual or guidelines for defining and allocating functions among the court and clerk staffs.

The county level grants will support projects set out above in items 2 to 6 for a district. In addition, special focus will be given to the development of a single funding request for all the courts in the county.

The special program efficiency grants may be sought for single county, multi-county or district level special programs that could benefit from reevaluation and restructuring. For instance, the following scenarios would be eligible for grants under this target area:

1. A district with heavy pro se caseload wants to organize and implement a pro se help center in cooperation with its pro bono commission to be used by clerks and courts in the district.
2. Several smaller counties want to establish a court interpreter program that's managed centrally.
3. A county with several courts but separate budgets and staff wants to find ways to share resources such as court reporters, probation staff, facilities, etc.

Letters of interest for the court reform grants are due May 1, 2008. The final application for these grants is due July 1, 2008. Applications for the education scholarship can be submitted at any time during the year.

Questions about the education scholarship grants may be directed to Jane Seigel at jseigel@courts.state.in.us and questions about the court reform study grants may be directed to Lilia Judson at ljudson@courts.state.in.us.

RULES, RULES, RULES: What's Up and What to Do if You Want to Change Them!

The Indiana Supreme Court Committee on Rules of Practice and Procedure, created by Ind. Trial Rule 80, meets monthly, usually on the third Friday of the month. The committee is charged with the duty of reviewing the rules and making recommendations for improvement to the Indiana Supreme Court. Proposals for amendments come to the committee from various sources, but most often from bar and bench committees and organizations and individual lawyers. Proposed rule amendments are reviewed and developed by the Committee throughout the year and are posted for public comment by December 1 of each year. After a sixty-day comment period, the Committee reviews the proposed amendment in light of the comments received and prepares a report with recommendations concerning the proposed amendments, which is presented to the Supreme Court by May 1 of each year.

In order to meet the December 1 posting for public comment deadline, proposed amendments should be in the hands of the Committee as soon as possible, but not later than October 1 of each year. Because of the time it takes to vet proposed amendments, there is no guarantee that a proposal presented by October 1 will be ready for publication by December 1. Therefore, the earlier a proposal is presented to the Committee the better the chance it can proceed to public comment in December, as opposed to having to wait until the following year.

Currently, among the matters before the Committee are proposals regarding attorney advertising rules, the unauthorized practice of law, changes of judge in paternity cases, and residual hearsay rules. The Committee welcomes specific proposals for rules amendments. They can be sent to Thomas M. Carusillo, Division of State Court Administration, 30 South Meridian Street, Suite 500, Indianapolis, IN 46204 or tcarusil@courts.state.in.us.

PHOTO: Lindsey Borschel



INDIANA JUDGE TO RECEIVE 2008 FAIRBANKS CIRCLE OF HOPE AWARD

HON. LINDA CHEZEM

On May 5, 2008, Fairbanks will honor former Court of Appeals and Lawrence County Circuit Court Judge Linda Chezem with the Richard M. Fairbanks Circle of Hope Award. Fairbanks is a nonprofit organization focused on recovery from alcohol and other drug problems, serving as a resource to improve the well being of individuals, families and communities by offering hope and support through its programs and services. The award will be presented to her at an annual dinner, which raises awareness in the community about alcohol and drug addiction.



COURTESY PHOTO.

The Richard M. Fairbanks Circle of Hope Award recognizes outstanding contributions related to research, education, or treatment of drug and alcohol abuse and addiction. With more than 30 years of service in the Indiana justice system, Judge Chezem has advocated for policy changes in government and law enforcement in regards to substance abuse and addiction in local, state and federal government. Her focus on the improvement of adjudication through education led her to conclude that drug and alcohol abuse and addiction is the single largest public health issue in the United States. Judge Chezem developed and implemented the Lawrence County Court Alcohol and Drug Service Program, which was the first of its kind to be certified by the Indiana Division of Addiction Services. She also served as a special assistant to Dr. Ting-Kai Li at the National Institute on Alcohol Abuse and Alcoholism (NIAAA).

Judge Chezem is currently a professor at the School of Agriculture at Purdue University, and an adjunct professor at the Indiana University School of Medicine. She is an alumnus of Indiana State University and Indiana University School of Law.

The Fairbanks Circle of Hope Dinner will begin with a reception at 6 p.m. with dinner at 7 p.m. Boston Legal and Night Court star, John Larroquette, will be the keynote speaker for the evening. For more information about tickets and event sponsorships, you may call 317.572.9303 or visit www.fairbankscd.org.

DIVISION ATTORNEY NOMINATED FOR 2008 TORCHBEARER AWARD

LESLIE ROGERS DUNN

Leslie Rogers Dunn, director of the Guardian Ad Litem /Court Appointed Special Advocate (GAL/CASA) Program for the Indiana Supreme Court's Division of State Court Administration, was honored as one of the nominees for this year's Torchbearer Award, one of the highest honors given by the State of Indiana.



PHOTO: Lindsey Borschel

The Torchbearer Awards are sponsored by the Indiana Commission for Women and recognize a wide array of achievements. The award honors women who have overcome obstacles or whose achievements have made Indiana a better place to live.

"As director of Indiana's GAL/CASA Program, Leslie Dunn is helping make families, and entire communities, better place for our children. We are extremely proud of the work she does and this nomination is recognition of her efforts and their impact on Hoosier children," said Chief Justice Randall T. Shepard.

There are more than 2,000 GAL/CASA volunteers across Indiana, and they represent the interests of more than 17,000 children who suffer from abuse or neglect.

Indiana law requires the appointment of either a guardian ad litem, or a trained court appointed special advocate, in abuse and neglect cases or when there is a petition to terminate the parent/child relationship and the parent objects.

In addition to the abuse and neglect cases, Indiana law allows for, and Indiana courts are now frequently appointing, CASA volunteers in custody and paternity cases.

For information regarding Indiana's GAL/CASA program, contact Leslie Rogers Dunn at lrogers@courts.state.in.us.





TO JUDICIAL EMPLOYERS: HOW TO PROTECT YOURSELF FROM FLSA LIABILITY

The Fair Labor Standards Act requires that most employees be paid for every hour worked, and be paid time and a half for every hour worked over forty hours in a week. There are limited exceptions to this rule. One of the exceptions is that government employers are allowed to substitute compensatory time off instead of giving monetary compensation for the extra time worked. However, because it is an exception, the Department of Labor reviews this exception narrowly and it is full of liability pitfalls for the unwary employer.

Here is a primer into the unique language of employment law. “Non-exempt” is a legal term in the Fair Labor Standards Act that refers to employees who are paid by the hour. Most court employees will be non-exempt, including clerks, probation officers and bailiffs. Court reporters are a special category of classification under the FLSA and a future article will address the compensation requirements for court reporters. An “exempt” employee under the Act is an employee who is not entitled to overtime pay or compensatory time when the employee works beyond the regular work hours. Typically, the only exempt employees in a court setting will be the judge and any other persons with supervisory authority over several employees.

You must compensate all non-exempt employees for extra time worked with either monetary payment or compensatory time. There is an odd provision in the Fair Labor Standards Act regulations that says compensatory time may only be substituted for monetary pay if the employee agrees to the substitution. This is not

a true agreement. If your policy is to give compensatory time off, rather than pay for the extra work, you must set forth this policy in writing and ask the employee to sign a written document agreeing to this policy. If the employee refuses to sign the agreement, your alternatives are to terminate the employment because you cannot afford to pay for any extra work required, or never allow the employee to work overtime.

ONCE [AN] EMPLOYEE HAS WORKED FORTY HOURS IN A WEEK, THE COMPENSATORY TIME IS EARNED AT THE RATE OF ONE AND A HALF TIMES THE EXTRA TIME WORKED.

If you have not had your non-exempt employees sign a written agreement, you have no proof that the employees agreed to accept compensatory time in lieu of monetary pay. Without the written agreement, your employees could bring action against you for up to two years after they leave the court’s employment, and seek double damages for up to three years back pay. The only way to protect your court funds and the county budget is to always have new employees sign the agreement when they first enter employment and to keep a good record of those agreements. If you do not have those agreements for any current employees, you should initiate new agreements with your employees and include language that this confirms the agreement in effect throughout the employment. The agreement should state that the employee has received and accepted compensatory time

in lieu of overtime pay in the past, and that there is no outstanding overtime pay due to the employee.

Compensatory time must be granted in the same manner as monetary pay. For every unit of time between your normal workday and forty hours in a week, you must grant compensatory time equal to the time worked. Thus, if you have a thirty-six hour workweek and the employee works two extra hours, the employee earns two hours of compensatory time. The time between your regular workweek and forty hours is designated as “gap hours” or “gap time,” referring to the gap between your workweek and a forty-hour workweek. Compensatory time is always given on an hour for hour basis for gap hours.

Once the employee has worked forty hours in a week, the compensatory time is earned at the rate of one and a half times the extra time worked. Thus, for an employee with a thirty-six hour workweek, who works forty-two hours in one week, the employee will earn four hours of compensatory time for the gap hours at a one-to-one ratio. The employee will also receive three hours of compensatory time for the two hours worked over forty hours at a 1-½ times ratio earned to the time worked.

Compensatory time off can be a Catch-22. If your non-exempt employees are regularly being required to work overtime, you can end up in a situation in which your employees are earning compensatory time but are not being allowed to use it. This has two negative consequences. The first is that if compensatory time accumulates for an employee in the amount of 240 hours,

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you must give monetary compensation for those 240 plus hours. There is no longer any discretion to give time instead of money. The second consequence is that the Fair Labor Standard Act requires that you grant use of the earned compensatory time within a "reasonable period" after the employee makes the request. Undue disruption of operations is the only legitimate reason for denying compensatory time leave requests. Undue disruption means more than mere inconvenience. Furthermore, the fact that you may have to pay a premium rate for temporary help is not a legitimate reason to deny use of compensatory time. Therefore, it is important that compensatory time be used only as needed and not allowed to accumulate. There are only negatives to allowing an employee to accumulate large amounts of compensatory time.

Failure to have an agreement, failure to pay for compensatory time above 240 hours earned, and/or failure to give compensatory time earned can all result in a negative audit by the Department of Labor and have negative financial consequences. Remember above all else to be sure you have signed Compensatory Time Agreements for all your non-exempt employees. If you would like a copy of such an agreement, please email me at brodehef@courts.state.in.us and I will promptly provide a sample for you to use.



By Brenda Rodeheffer
*Employment Law Services,
State Court Administration*

PLEASE CIRCULATE TO CO-WORKERS

This newsletter reports on important administrative matters. Please keep for future reference. Issues are also available online at:

<http://courts.IN.gov/admin/court-times>